

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Investor(s): Andrew S. Hildebrant, et al.

FEB 02 2009
USPTO & TRADEMARKS
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1/14 AF

Serial No.: 10/681,068

Examiner: Frank M. Leiva

Filing Date: October 7, 2003

Group Art Unit: 3714

Title: COST ESTIMATION FOR DEVICE TESTING

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, October 28, 2008 , rejecting the following claims 1-17.

The fee for this Notice of Appeal (37 CFR 1.17(b)) is **\$30.00**. \$510.00 was paid during a previous
(complete (a) or (b) as applicable) appeal attempt.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- | | | |
|--------------------------|--------------|-----------|
| <input type="checkbox"/> | one month | \$ 120.00 |
| <input type="checkbox"/> | two months | \$ 460.00 |
| <input type="checkbox"/> | three months | \$1050.00 |
| <input type="checkbox"/> | four months | \$1640.00 |

The extension fee has already been paid in this application.

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-4018** the sum of **\$30.00**. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-4018** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

02/02/2009 NBELETE1 00000065 504018 10681068
01 FC:1401 548.00 DA

Respectfully submitted,

Andrew S. Hildebrant, et al.

By /Gregory W. Osterloth/

Gregory W. Osterloth
Attorney/Agent for Applicant(s)

Reg. No. 36,232

Date: January 28, 2009

Instrument Date: 02/02/2009 NBELETE1
10681068 CCHM01 00000065 002623 10681068
01 FC:1402 518.00 CR

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: January 28, 2009 OR

I hereby certify that this paper is being filed with the USPTO via EFS on the date shown below.

Date of Filing:

Typed Name: Gregory W. Osterloth

/Gregory W. Osterloth/

Signature: _____

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